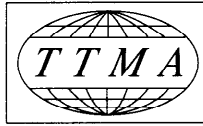


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Richard P. Bowling • President

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March 23, 2001

U.S. Department of Transportation
Docket Management
Room PL-401
400 Seventh Street, SW
Washington, DC 20590

RE: Docket No. NHTSA 2001-8677-30

**SUBJECT: Standards Enforcement and Defect Investigation;
Defect and Noncompliance Reports; Record Retention**

Gentlemen:

Submitted with and attached to this cover letter are docket comments on Docket No. NHTSA 2001-8577; Notice 1 on behalf of the Truck Trailer Manufacturers Association.

Sincerely,

Richard P. Bowling
President

RPB/lw
Enclosure

DEPT. OF TRANSPORTATION
DOCKETS
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TRUCK TRAILER MANUFACTURERS ASSOCIATION TREAD ACT QUESTIONS AND RESPONSES

DOCKET NO. NHTSA 2001-8677; NOTICE 1

Introduction

The Truck Trailer Manufacturers Association (TTMA) welcomes the opportunity to submit these comments in response to the Advance Notice of Proposed Rulemaking published January 22, 2001 by the National Highway Traffic Safety Administration seeking comments on the “early warning reporting requirements” of the TREAD Act.

TTMA is an international trade association comprised of truck trailer and tank trailer manufacturers, along with cargo container, cargo tanks for trucks and container chassis manufacturers. The associate membership represents material and component suppliers to the industry. TTMA has approximately 220 corporate members and represents manufacturers of all types of commercial trailers with a single axle rating of over 10,000 pounds. TTMA members manufacture over 90% of the U.S. trailer production.

There is a dramatic difference between the mass produced automobile industry and the semi-custom built trailer industry. Chief among those differences are:

- Only approximately 250,000 trailers are manufactured annually. There are about 2,750,000 trailers on the road, an estimate based on yearly production and useful life. By contrast, automobile manufacturers reportedly produce around 15,000,000 vehicles annually.
- Most trailer orders are to customer specification and are not a standard model like an automobile.
- The trailer industry has historically experienced a limited number of recalls involving relatively few units. TTMA’s analysis of recall notices published at www.nhtsa.dot.gov/cars/problems/recalls (when searched for “trailer” model, and considering only trailers with single axle capacity exceeding 10,000 pounds) indicates that there have been only 46 recalls issued from all such trailer manufacturers in the past 32 years. Considering the total number of trailers reported as subject to recall over the past 5 years (and excluding identical notices reported in subsequent years), barely more than ½ of 1% of all such trailers manufactured in that 5-year period have been the subject of recall.

- The limited number of fatal or serious injury accidents that are reported to trailer manufacturers allows engineering analysis of possible problems without waiting for accumulation of statistics. The economic consequences of a finding of defect to a trailer manufacturer motivate that manufacturer to address problems or possible defects promptly.
- The limited number of trailers and defect-related accidents make these events statistically less significant compared to the number of accidents involving automobiles.
- Trailers do not haul passengers or even a driver. The driver of the tractor-trailer rig is specially trained and licensed. Under Federal DOT safety regulations, trailers must be inspected both annually and before each operation, and they are also subject to state DOT safety inspections on a regular basis.

TTMA agrees with the Agency's incremental approach to implementing early warning reporting requirements. In particular, the initial reporting should be limited to certain safety related components and systems, including items subject to FMVSS standards as will be explained in this submission.

III. Who is covered by the new reporting requirements? Questions to be answered.

- A. Which of the manufacturers listed above should be covered by the final rule and why?

Some trailer manufacturers are so small that their reporting would not advance the Agency's goals in any meaningful way. We suggest a threshold of 500 units per year.

- B. Are there other entities that should be covered by the reporting requirements and why?

The manufacturers of components should be covered. Most trailer manufacturers are assemblers of various component parts. Most of the safety related components are made by others and only assembled by the trailer manufacturer. Given this situation, trailer manufacturers will only receive claims on a fraction of the incidents. Reporting claims by both parties will result in redundant reporting and may result in misleading data.

- C. Should any of the above manufacturers or other entities be covered by only some reporting requirements and not others?

Yes, see response to question A, above.

- D. With respect to manufacturers' international feedback mechanisms, to what extent is information provided in the English language? Are there delays in transmitting information such as narrative field reports due to the need to translate it into English? If so, what is the length of delays?

Feedback to manufacturers is almost always in English. The vast majority of manufacturing and existing fleet is located in the U.S. There are a few instances when the feedback may be in another language. Usually there are no significant delays in transmitting information due to the need to translate them into English.

E. What accessories could develop safety-related defects?

Many of the components and systems that are safety-related are manufactured by others. These components and systems are then assembled with the basic components and systems of the trailer to form a complete vehicle. This is true of brakes, suspension systems, kingpins, pintle hooks, tires, and to some extent, cargo securement systems. The only safety-related component that is designed and substantially manufactured by most trailer manufacturers is the rear impact guard. There are true accessories that are manufactured by others such as lift gates and cooling units. These accessories typically do not develop safety-related defects.

General Questions:

1. Which offices of manufacturers receive, classify, and evaluate warranty and claims data, and other data or information, related to deaths, serious injuries, and property damage involving a manufacturer's products that occur in the United States?

For warranty, this is a function of the main office of most manufacturers. Due to the relatively small size of trailer manufacturers, this is not usually a separate department or, in many cases, even a full-time individual. For personal injury claims, either the main office or the company's counsel receives notices.

2. In what form is that data received and maintained? If it is maintained electronically, please describe the data base system in which it is kept.

Warranty claims are received verbally or in writing and maintained in hard copy, or in the case of some manufacturers, transposed into electronic files. For the few manufacturers who have electronic files, the electronic files are of warranty claims only and are not in a format that can be sorted by component or mode of failure. Manufacturers do not keep a database on deaths, injuries or property damage, because the number is so small. Individual cases are typically analyzed for any engineering or defect issues.

3. Is the information referred to in question 1 otherwise classified (for example, warranty codes, lawsuits)? If so, how? By whom is such information evaluated?

The engineering or warranty personnel handle warranty claims and the legal office or outside counsel handle personal injury claims. The data are evaluated for both warranty issues and quality control; it is reviewed by the Manufacturing Department for quality assurance and it is reviewed by the Finance and Accounting Department for financial management purposes. There are no standardized industry codes common among trailer manufacturers.

4. Do manufacturers in the United States (defined to include importers of vehicles or equipment for resale), currently receive warranty and claims data, and other data or information, related to deaths, serious injuries, and property damage involving their products that occur outside the United States? If so, in what form are these data received?

Reports from outside the U.S. are extremely rare and typically come in the form of warranty or personal injury claims. These claims are received and processed in the same manner as domestic claims.

5. If a manufacturer in the United States does not receive, maintain, and evaluate such data or information referred to in paragraph 3 above, what entity does (e.g., foreign affiliate, factory-authorized importer, outside counsel, other third-party entity)? Do manufacturers require that entity to make periodic reports to it?

Among claims received by the trailer manufacturer, most involve a component manufactured and warranted by another. These claims are frequently handled directly between the customer and the vendor of the component.

6. In what form is the data foreign or information received (e.g., electronically, e-mail, inter-company memo)? Is it maintained separately or is it combined with data about events occurring in the United States?

It is treated the same as domestic warranty claims. See answer to question 4. It is included with domestic data.

7. What is the length of time that manufacturers maintain warranty data and claims data? Is this period different for data related to events occurring outside the United States?

This varies. Most trailer manufacturers have warranties ranging from two to five years and maintain records for the warranty time period.

8. Are U.S. dealers currently collecting and/or maintaining information relevant to early warning reporting? If so, what is this information, and to what extent is it furnished to the manufacturer?

The trailer warranty runs directly from the trailer manufacturer to the first purchaser. While some warranty claims may originate at a dealer, TTMA is not aware of any dealers that maintain warranty or similar files relating to early warning. Typically the dealer is only involved after the trailer manufacturer has approved a warranty repair.

9. Should there be a cut off date for reporting (e.g., not require it regarding vehicles or equipment that are older than some specified age)? If so, what age or ages?

Useful expected life of a trailer is 10 years. Warranty is typically 2 to 5 years. Failures in semi-trailers that are older than 10 years are most often a result of inadequate maintenance. Information on older trailers would be of limited use in identifying and addressing defects. In addition, trailer manufacturers rarely receive information from trailer owners after the expiration of the warranty. Establishing a 5 year cutoff period would keep the focus on possible manufacturing defects rather than poor maintenance.

10. Is there additional information or data beyond that mentioned in this notice that manufacturers should report to NHTSA that would assist in the identification of defects related to motor vehicle safety? For example, assembly plant quality reports, dealer feedback summaries, test fleet summary reports, fleet experience, and rental car company reports.

No, not applicable to the trailer industry.

Questions Relating to Claims:

1. What is the appropriate definition of "claim?"

(a) *A warranty claim is a claim for repair or replacement of a component or system pursuant to the manufacturer's written warranty.*

(b) *A claim relating to death, serious injury or property damage is a demand from an attorney or an insurer.*

2. What information should be submitted (e.g., just the number of claims by make, model year and component or system, or more information, including summaries and names of complainants)?

Information on trailer type, component or system may be useful. Reporting of the model year or year manufactured should be at the discretion of the manufacturer to simplify reporting. The difference in model year is usually of little significance. The reporting of individual names of complainants would be of no value in assessing product defects. If the Agency needs additional information about a particular issue, it could request the same, including a summary about a particular claim.

3. Should NHTSA only require the submission if claims are about problems with certain components. If so, which ones?

As discussed in the introduction, TTMA agrees with the incremental approach and suggests a limitation to specific safety-related equipment items. The Agency should initially limit its reporting requirements to manufacturing defects in the following specific components or systems:

(a) *tires (FMVSS 109 and 119),*

(b) *axles/suspension/brake components (FMVSS 106 and 121),*

(c) *rear impact guards (FMVSS 223 and 224),*

(d) *lighting and related components (FMVSS 108), and*

(e) *king pins and fifth-wheel couplers, pintle hooks and drawbar eyes.*

These components and systems are the ones that are safety-related and may require a recall.

After a period of implementation of this regulation, the Agency may expand the list to other items covered by its FMVSS regulations. In light of the consequences of a failure to comply with the reporting obligations (including criminal penalties), any such expansion should be limited to specific FMVSS requirements, thus providing clarity to trailer manufacturers as to what must be reported.

4. Should information about all claims involving serious injuries or deaths be submitted, or should there be some threshold?

Information should be submitted about claims involving serious injuries or deaths involving defects in the following components or systems:

- (a) tires (FMVSS 109 and 119),
- (b) axles/suspension/brake components (FMVSS 106 and 121),
- (c) rear impact guards (FMVSS 223 and 224),
- (d) lighting and related components (FMVSS 108), and
- (e) king pins and fifth wheel couplers, pintle hooks and drawbar eyes.

Questions Relating to Warranties:

1. Should warranty data be reported? If so, are there specific categories which should be included or excluded?

Yes, but only those warranty matters that deal with safety-related components or systems that exhibit a safety-related defect should be reported. Warranty data should be reported in summary form as to the following components or systems:

- (a) tires (FMVSS 109 and 119),
- (b) axles/suspension/brake components (FMVSS 106 and 121),
- (c) rear impact guards (FMVSS 223 and 224),
- (d) lighting and related components (FMVSS 108), and
- (e) king pins and fifth-wheel couplers, pintle hooks and drawbar eyes.

2. How do manufacturers maintain warranty data? How long is it kept? For what purposes is it kept? How do manufacturers review warranty data to identify possible safety concerns?

Warranty data is maintained in hard copy, or in the case of some manufacturers, transposed into electronic files. For the few manufacturers who have electronic files, the electronic files are of warranty claims only and are not in a format that can be sorted by component or mode of failure. Individual cases are typically analyzed for any engineering or defect issues. The duration of record retention varies among manufacturers, typically corresponding to the warranty period.

3. What thresholds, if any, would be appropriate with respect to specific vehicle components, systems, and equipment items, below which warranty information would not have to be reported to NHTSA? Should there be different thresholds for different components or systems?

If the warranty information has no effect on safety it should not be reported. There should be different thresholds for different safety-related components or systems. We recommend reporting at the lesser of either of the following thresholds:

<i>Defect</i>	<i>Absolute Number of Claims Where Identical Manufacturing Defect Is Confirmed</i>	<i>Number of Claims as Percentage of All Trailers Where Identical, Confirmed Manufacturing Defect Is Possible</i>
<i>Axle Failures</i>	<i>5 per quarter</i>	<i>1%</i>
<i>Brakes</i>	<i>3 per quarter</i>	<i>1%</i>
<i>Suspensions</i>	<i>5 per quarter</i>	<i>1%</i>
<i>Rear Impact Guards</i>	<i>3 per quarter</i>	<i>.6%</i>
<i>King Pins; Fifth-Wheel Plates; Pintle Hooks and Drawbar Eyes</i>	<i>2 per quarter</i>	<i>N/A</i>
<i>Tires; Lighting and Related Components</i>	<i>10 per quarter</i>	<i>2%</i>

4. Should thresholds be based solely on claims rates, or should there be some absolute number of claims that would trigger a reporting requirement?

See above. There should be a combination of thresholds based both on claim rates and absolute number of claims. For instance, failure in a king pin which attaches the truck trailer to the tractor raises immediate safety concerns. After just a few instances of such a confirmed failure, reporting would be justified. The same would not be true with regard to rear impact guards that are subject to abuse and service damage and therefore, maintenance failures. Without the requisite absolute number of confirmed manufacturing defects, use of a percentage of claims to total vehicles would be most appropriate. Each individual safety-related component or system should be treated in a discreet manner.

5. What sorts of warranty information should be reported (e.g., make, model, model year, component)?

Report number of occurrences, model of the trailer, VIN, component and brand of component.

6. Are there warranty codes common to the motor vehicle industry? Passenger car industry? Heavy truck industry? Motor home industry? Child seat industry? Etc.?

No, with respect to trailer manufacturers.

7. Should we require warranty data to be submitted using standardized codes? If so, what level of standardization would be appropriate?

It may be appropriate to generate a set of warranty codes that relate to specific defects in the safety-related components or systems on trailers (i.e., tires,

axles/suspension/brake components, rear impact guards, lighting and related components, king pins and fifth-wheel couplers, pintle hooks and drawbar eyes). Further study would have to be given to what level of standardization would be appropriate within these categories of components or systems.

8. In what form should we require warranty information to be submitted?

Given the large number of small manufacturers and low number of occurrences, sophisticated statistical reporting is not feasible. Trailer manufacturers, because of the (1) vast difference in the product from mass produced automobiles, (2) large number of manufacturers, including small manufacturers, and (3) variety of trailer types, should have a separate reporting scheme from automobile manufacturers. Reporting should be either on paper or on a simple standardized electronic spreadsheet.

Questions Relating to Lawsuits:

1. What information should be provided about lawsuits?

When available, trailer manufacturers should provide only information on lawsuits involving death or personal injury resulting from alleged defects in the safety-related components or systems listed as follows: tires, axles/suspension/brake components, rear impact guards, lighting and related components, king pins and fifth-wheel couplers, pintle hooks and drawbar eyes. Report model of the trailer, VIN, component and brand of component involved in the alleged defect, when available.

2. Should information be provided about each lawsuit involving an alleged defect?

Report only information concerning those lawsuits involving an alleged safety-related defect in the following components or systems: tires, axles/suspension/brake components, rear impact guards, lighting and related components, king pins and fifth-wheel couplers, pintle hooks and drawbar eyes.

3. If not, what threshold would be appropriate? Should there be different thresholds based on the component or system involved?

Report all alleged injuries or deaths for the specified systems and components.

Questions Relating to Design Changes:

1. Should information about design changes be provided? If so, should all changes be covered or just or only those relating to specified components or systems important to vehicle safety? If so, which components or systems?

No. Semi-trailers are semi-custom designed and manufactured for a particular customer's requirements. Unlike mass produced automobiles, there is rarely significance to design changes from a safety perspective. Even a small trailer manufacturer would make hundreds or thousands of changes in a year. To report all these changes would fill many warehouses with meaningless information. Trailer manufacturers should report design changes made to correct confirmed safety-related defects that resulted in the reported claims exceeding the minimum threshold reporting requirement in the following components or systems: tires, axles/suspension/brake components, rear impact guards,

lighting and related components, king pins and fifth-wheel couplers, pintle hooks and drawbar eyes.

2. Should different considerations apply to prospective-only running changes than to changes to service parts?

No. There is no point in reporting on changes, see above.

Questions Relating to Deaths and Serious Injuries:

1. What systems for characterizing the seriousness of injuries are used in countries other than the United States? How do they relate to the AIS system?

Unknown.

2. Are the AIS3 “serious” criteria appropriate as indicia of “serious injury”? If not, what criteria are appropriate?

Even if they are appropriate they are of little value in complying with the reporting requirements, since it is often months following a report, a claim or even a lawsuit that the trailer manufacturer gets enough information to determine whether an injury would be classified as serious. TTMA proposes to report all alleged injuries that are claimed to be “serious.”

3. How shall it be determined whether a claim pertaining to an injury pertains to a serious injury? What assumptions should be made? If an initial claim does not allege a “serious” injury, should the manufacturer be required to report the claim later if it learns that the injury was serious or alleged to be serious?

If the initial claim does not report a “serious” injury, it should be assumed that it was not serious. If there is any error in the reporting of claims, it is likely on the side of characterizing them as more serious than the actual condition.

4. Would manufacturers find it less burdensome to report to NHTSA all allegations of injury caused by a product defect?

Yes, where claimed to be “serious”.

5. How and to which office of a manufacturer are deaths and serious injuries reported? Is the answer different with respect to incidents that occur in foreign countries?

Deaths and serious injuries might be reported to any office of the manufacturer. However, these are most frequently reported to the headquarters or to the general counsel (through the various agents for service of process). While incidents are reported in many ways, the most common is probably by service of a lawsuit. There would be no difference with regard to foreign countries, where the incidence is rare.

Questions Relating to Property Damage:

1. What data should manufacturers include as “aggregate statistical data”?

TTMA members receive very few reports of property damage. However, the trailer manufacturers propose to report statistical data related to warranty claims, claims and lawsuits involving property damage resulting from an alleged safety-related

defect involving the following components or systems: tires, axles/suspension/brake components, rear impact guards, lighting and related components, king pins and fifth-wheel couplers, pintle hooks and drawbar eyes.

2. What type of statistical data relating to property damage (including fire and corrosion) do manufacturers maintain? What corporate office is responsible for their maintenance? Is the answer different with respect to incidents and claims in foreign countries?

Very few reports are received relating to property damage, including fire and corrosion). The main office would typically receive any reports. The answer would be the same for incidents and claims from foreign countries.

3. How is this data maintained by manufacturers? How is it used?

Same as other claims files.

4. How should this data be submitted to NHTSA to best provide an early warning of potential safety defects?

Same as data on deaths and serious personal injuries.

Questions on Internal Investigations:

1. Should a manufacturer be required to report information on active investigations that it has initiated with respect to potential defects in its vehicles or equipment? How, if at all, should it be determined that these are safety related? What is the extent to which this information should be reported?

The requirement of reporting on internal investigations needs to be limited in a way that encourages manufacturers to undertake such investigations. This reporting requirement is not expressly imposed by the TREAD Act and can only be justified by an improvement to motor vehicle safety. Discouraging such investigations with onerous reporting requirements will not improve motor vehicle safety.

We agree with the Agency's recognition of the need to "identify precisely what sort of investigations are covered," particularly in light of the potential for criminal penalties for failing to report. A report should only be required upon completion of an investigation that results in the determination that there is a safety-related defect in one of the following components or systems: tires, axles/suspension/brake components, rear impact guards, lighting and related components, king pins and fifth-wheel couplers, pintle hooks and drawbar eyes, and the incidence of defects exceeds that set forth for requiring the reporting of warranty defects (see response to questions 1 and 3 under Questions Related to Warranties). The trailer manufacturer should make the determination as to whether the defect is safety-related after consulting with its engineering staff. The information to be reported should be the trailer model, VIN, component, and brand of component involved.

2. What is an appropriate definition of an internal investigation that should be reported to NHTSA?

See above.

3. Should manufacturers be required to report such investigations as soon as they are commenced? If not, at what point should the investigation be reported to NHTSA?

No, see 1, above.

Questions on Customer Satisfaction Campaigns, Etc:

1. Should "customer satisfaction campaigns," "consumer advisories," "recalls" or "other activities involving the repair of motor vehicles or motor vehicle equipment" be defined in NHTSA's regulation, and, if so, what would be an appropriate definition for each of these terms?

Yes. A "recall" is that procedure described under 49 U.S.C. § 30119. "Customer satisfaction campaigns" and "consumer advisories" or other activities should include any repairs or advice concerning repairs other than under the applicable warranty or normal maintenance. No reporting should be required of any such activities that do not involve safety-related defects of one of the following components or systems: tires, axles/suspension/brake components, rear impact guards, lighting and related components, king pins and fifth-wheel couplers, pintle hooks and drawbar eyes.

2. How many and what kind of customer satisfaction campaigns, consumer advisories, recalls, or other activity involving repairs have occurred since January 1, 1998, that were not required to be reported to NHTSA under 49 CFR 573.8? Indicate whether these occurred in the United States or foreign countries. Please submit a copy of all communications provided to consumers or dealers with respect to each such campaign, advisory, recall, or other activity.

TTMA has no knowledge of any such campaigns or advisories and no copies of any communication.

Questions on Identical and "Substantially Similar" Motor Vehicles and Equipment:

1. Is the word "identical" understood internationally, or do we need to define it? If so, how?

This has not been an issue with the trailer manufacturing industry. The term identical means the same in every respect.

2. How should a manufacturer determine if a vehicle sold in a foreign country is "substantially similar" to vehicles sold in the United States? Is it enough that the vehicles share the same platform and/or engine family? If not, why not?

TTMA members rarely sell equipment outside of North America. Substantial similarity has no significance for safety or defect investigation. Also, same platform and/or engine family has no significance in the trailer industry.

3. How should "substantially similar" motor vehicle equipment be defined? Would the definition be different with respect to individual parts, component parts, assemblies and systems? Other than tires and off-vehicle equipment (such as child seats),

should the definition be restricted to replacement equipment for substantially similar motor vehicles?

This question has no application to the trailer industry.

Questions on Field Reports:

1. What is an appropriate definition for “field report”?

The trailer industry does not use the term “field report”.

2. In the context of field reports for which information is to be provided, should there be a list of systems, parts, and components that are safety related? Should it be the same as the list for warranty claims and other claims?

In the event the Agency imposes reporting requirements for “field reports,” the definition and scope of such reports should be set forth specifically, and any such reports should be limited to the following components or systems: tires, axles/suspension/brake components, rear impact guards, lighting and related components, king pins and fifth-wheel couplers, pintle hooks and drawbar eyes.

3. Do manufacturers screen field reports for safety-related information? If so, what are their systems and how do they work?

Not applicable.

4. How do manufacturers process and maintain field reports? Is all information entered into computers?

Not applicable.

5. What information regarding field reports should be provided NHTSA? Should there be a numerical or rate threshold before field reports must be provided?

Not applicable.

Questions on Reporting Frequency:

1. Should reporting frequency vary depending on the type of information (e.g., deaths, injuries, warranty rates, complaints, etc.)? If so, what is an appropriate frequency for each type?

Quarterly. It is much simpler if reporting is done at the same intervals for all issues.

2. Should reporting frequency vary depending on the type of vehicle or equipment (e.g., passenger car, bus, child seats or other equipment)? If so, what is an appropriate frequency for each type?

No.

3. Should reporting frequency vary depending upon the component or system involved (e.g., air bag, child restraint, seat belt assemblies, brakes)? If so, what is an appropriate frequency for each?

No.

4. Should manufacturers of particular equipment, such as off-vehicle and accessory equipment be required to report data on a periodic basis, or only if they receive certain information such as claims alleging deaths or serious injuries involving their products?

Not applicable to semi-trailers.

Questions on How to Report the Information:

1. How would manufacturers prefer to report information to us (e.g., hard copy, electronically)? If both, what would be in hard copy? What would be in electronic format? Which electronic format(s) would be preferable?

Reporting should be either on paper or on a simple standardized electronic spreadsheet.

2. Should information regarding deaths and serious injuries be submitted in the form in which it is received by the manufacturer, the form in which it is entered into a database by the manufacturer, or in some other way?

Reporting should be either on paper or on a simple standardized electronic spreadsheet. The summary information should include the VIN, model, allegedly defective component and whether it was a death or serious injury.

The Following Five Questions Relate to the Possible Use of a Spreadsheet for Reporting Aggregate Information.

1. What do manufacturers understand the term "aggregate statistical information" to mean?

See responses to questions 1 and 8 under Questions Relating to Warranties and above.

2. Is aggregate statistical information regarding claims, deaths and injuries likely to be useful in identifying potential safety-related defects? Would it be too general to be useful?

If the aggregate statistical information is limited to that set forth in the previous responses of TTMA (safety-related defects in the specified components or systems), it would be useful in identifying potential safety-related defects. If it is not limited as set forth above, then the information would be too general and would not be useful.

3. Would this type of aggregate statistical information tend to result in a large number of investigations into issues that are not related to potential safety-related defects?

If the aggregate statistical information is limited to that set forth in the previous responses of TTMA (safety-related defects in the specified components or systems), it should be manageable. Trailer manufacturers could then supply additional information as needed for clarification.

4. Would the submission of supplemental information beyond the aggregate statistical information be necessary or appropriate to provide NHTSA with sufficient

information upon which to decide to open an investigation? What types of such information?

Additional information may be appropriate, as decided on a case by case basis.

5. If NHTSA needs to submit requests for supplemental information, should the requests be made as part of an investigation? If not, why not? If not, how should NHTSA characterize these requests, and should the requests and responses be made available to the public?

Request for supplemental information should be allowed before the opening of an investigation to determine if an investigation is warranted. Since this would be before an investigation, the information should be kept confidential. If an investigation does result, then the information arising from that investigation should be considered a part of the public record.

Questions on How NHTSA Should Review the Information:

1. How should NHTSA review and utilize the information to be submitted under the early warning rule?

The information provided by the manufacturers should be reviewed for signs of potential safety-related defects. This should then lead to a cooperative effort to review the issue with the manufacturer or component manufacturer before launching an investigation.

2. What system or processes should NHTSA utilize in reviewing this information?

The reporting information should be the initial step in a collaborative process between the Agency and the trailer manufacturer to determine whether a safety-related defect exists.

Questions on Cost and Burden:

1. What are the estimated startup and ongoing costs (including financial as well as manpower costs) of complying with the early warning reporting requirements discussed in this notice? What is the basis for the estimate?

Costs cannot accurately be determined at this time due to lack of fully defined requirements by the Agency. TTMA believes the reporting regime proposed in this response would maximize the effectiveness of the Agency in fulfilling its statutorily mandated role in regard to the trailer industry. It optimizes the efforts of both the manufacturers and the Agency in improving motor vehicle safety. An unlimited reporting regime would be catastrophic to the industry, especially smaller manufacturers, costing up to one million dollars per manufacturer annually. The cost of compliance for an unlimited reporting regime would be greater than the net profit of many smaller manufacturers. It would also be highly counterproductive to the Agency's mission by overwhelming it with unnecessary information unrelated to highway safety.

2. How should NHTSA decide whether particular requirements are “unduly burdensome”? Should we balance the burdens against the anticipated benefits of receiving the information in question? If so, how should we perform that balancing?

If the provided data will not result in the reduction of deaths or injuries then there is no reason to provide it. The requirement of excessive reporting will not only increase the burden on the industry, but the processing of this information may impair the ability of the Agency to fulfill its mandate of increasing highway safety. The economic impacts of this rulemaking should be based upon objective data.

3. What is the most effective early warning information and least burdensome ways of providing it?

TTMA believes that the most effective early warning information is the reporting regime set forth in this response.

4. Have manufacturers developed or are manufacturers beginning to develop and implement their own early warning reporting procedures in advance of NHTSA’s rulemaking? If so, what are these procedures. How do these procedures differ from those discussed in the ANPRM? How are they similar?

TTMA members are proud of their outstanding record of improving highway and product safety. The trailer industry’s members have aggressively analyzed reports and claims of safety-related defects. Confirmed defects have historically been infrequent. No formal early warning reporting procedures have been developed because even the few reported potential problems or defects are routinely investigated in a prompt fashion. A few manufacturers have begun to computerize warranty claims data but are not capable of sorting their data for early warning reporting purposes at this time.